

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James Spurgeon, Jr.,)	C/A No. 0:16-2766-RBH-PJG
)	
Petitioner,)	
)	
v.)	ORDER
)	
Warden, <i>McCormick Correctional Institution</i> ,)	
)	
Respondent.)	
_____)	

The petitioner has filed this action, *pro se*, seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The respondent filed a motion for summary judgment on November 22, 2016, pursuant to the Federal Rules of Civil Procedure. (ECF No. 21.) As the petitioner is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on November 22, 2016, advising the petitioner of the importance of a motion for summary judgment and of the need for him to file an adequate response. (ECF No. 22.) The petitioner was specifically advised that if he failed to respond adequately, the respondent's motion may be granted, thereby ending his case.

Notwithstanding the specific warning and instructions set forth in the court's Roseboro order, the petitioner has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action.

Based on the foregoing, it is

ORDERED that the petitioner shall advise the court as to whether he wishes to continue with this case and to file a response to the respondent's motion for summary judgment within fourteen (14) days from the date of this order. The petitioner is further advised that if he fails to respond, **this**

action will be recommended for dismissal with prejudice for failure to prosecute. See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

January 4, 2017
Columbia, South Carolina